

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 868 - HB 1140

March 17, 2009

SUMMARY OF BILL: Increases the penalty from a Class E felony to a Class D felony for child neglect when the victim is six years old or younger.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$785,200/Incarceration*

Assumptions:

- Under current law, it is a Class A misdemeanor for a person knowingly to abuse or neglect a child who is under the age of 18. If the abused or neglected child is six years old or less, the penalty is a Class E felony.
- According to the Department of Correction (DOC), there has been an average of 41 admissions for child abuse and neglect or attempted child abuse and neglect and the victim is six years old or less in each of the past 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in four additional offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 45 offenders serving additional time on their sentences as a result of this bill.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to the Department, the average post-conviction time served for a Class E felony is 1.63 years and 2.43 years for a Class D felony. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The cost per offender at 2.43 years is \$52,995.96 (\$59.80 x 886.22 days). The cost of increasing the average sentence length from 1.63 years to 2.43 years is \$17,447.85 (\$52,995.96 - \$35,548.11). The total additional operating cost for 45 offenders is \$785,153.25 (\$17,447.85 x 45).
- No recidivism discount has been applied since the length of the additional sentence is not sufficient for any re-offenders to serve


additional time in the prison system under current law within the time added by this bill.

- Any impact on the state trial courts can be accommodated within existing resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc